

REMARKS/ARGUMENTS

Applicant thanks the Examiner for granting an interview on May 12, 2003. In accordance with 37 C.F.R. §1.133(b), submitted herewith is a written statement of the reasons presented at the interview as warranting favorable action.

Claims 29-69 and 98-132 are canceled.

Claim 89 has been amended to correct a typographical error identified by the Examiner. Accordingly, applicant respectfully submits the objection to claim 89 is effectively overcome.

Claim 26 stands rejected under 35 U.S.C. §112, second paragraph, as being confusing. Accordingly, applicant has amended claim 26 to further clarify applicant's invention.

Claims 1 and 70 have been amended to more particularly define applicant's invention.

Applicant respectfully submits that the amendments to the claims make explicit what applicant believed was already implicit, and, therefore, are not made for purposes related to patentability.

Claims 1-28 and 70-97 stand rejected under 35 U.S.C. §112, second paragraph on the ground that the recitation of the term "valid" renders the claims vague and indefinite. Applicant respectfully traverses this rejection.

As provided in the proposed claim amendments shown and discussed in the May 12, 2003 interview, applicant has amended independent claim 1 to more particularly define the step of analyzing customer forecasted demands to include "determining at least one of compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns and requests within agreed to capacities." Independent claim 70 has similarly been amended to include corresponding features that are provided by the ERP system component of the supply chain server. Applicant respectfully submits that the rejection of independent claims 1 and 70 under 35 U.S.C. §112, second paragraph, is overcome. Dependent claims 2-28 and 71-97 depend directly or indirectly from claim 1 or claim 70, and are, therefore, allowable for the same reasons.

Claims 1-28 stand rejected under 35 U.S.C. §101 on the ground that the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this

rejection.

Independent claim 1 has been amended to include a supply chain server that electronically receives customer forecasted demands, electronically analyzes the forecasted demands, and electronically sends the forecasted demands to at least one supplier. Applicant respectfully submits that the supply chain server, as claimed in claims 1-28 and 70-97, is distinct from the customer and the supplier. Support for can be found in the specification at page 4, line 28 through page 6, line 2.

While applicant believes that claim 1 in its original form was directed to statutory subject matter under 35 U.S.C. §101, applicant respectfully submits that claim 1, as amended, effectively overcomes the Examiner's rejection under 35 U.S.C. §101. Dependent claims 2-28 depend directly or indirectly from independent claim 1, and are, therefore, patentable for the same reasons as well as because of combination of features in those claims with the features set forth in the claim(s) from which they depend.

Claims 1, 5-7, 15, 21, 70, 74-76, 84 and 90 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bellini et al. (U.S. Patent No. 5,974,395). Applicant respectfully traverses this rejection.

Independent claims 1 and 70, as amended, provide for determining whether a customer forecasted demand is valid by determining at least one of compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns and requests within agreed-to capacities. Bellini, in contrast, provides for enterprise planning across a supply chain, including a data specification format and an external communication interface for transactional execution system layers.

Applicant respectfully submits that Bellini does not teach or suggest receiving customer forecasted demands and electronically analyzing the demands to determine at least one of "compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns and requests within agreed-to capacities." Instead, Bellini is directed to interconnecting various enterprises of a process supply chain to create "an extended enterprise planning environment" (see column 2, lines 59-64). While Bellini enables disparate systems to communicate across a supply chain, Bellini does not teach or suggest the electronic

step of analysis of applicant's amended claims 1 and 70. Therefore, applicant respectfully maintains that Bellini does not teach applicant's amended claim 1 or amended claim 70, and claim 1 and claim 70, as amended, are allowable.

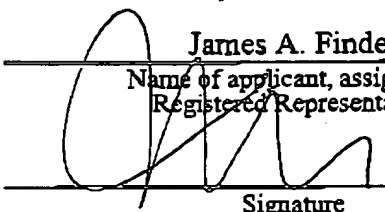
Dependent claims 5-7, 15 and 21 depend directly or indirectly from independent claim 1 and, therefore, are patentable for the same reasons, as well as because of the combination of features set forth in those claims with the features set forth in the claim(s) from which they depend. Further, claims 74-76, 84 and 90 depend directly or indirectly from independent claim 70, and are, therefore, patentable for the same reasons. Reconsideration is respectfully requested.

Claims 12-14, 16-18, 22-28, 81-83, 85-87 and 91-97 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bellini. Applicant respectfully traverses this rejection.

Applicant respectfully submits that, as set forth above with respect to the Examiner's rejection under 35 U.S.C. §102(e), dependent claims 12-14, 16-18 and 22-28 depend directly or indirectly from independent claim 1, as amended, and are therefore patentable for the same reasons because of the features set forth in those claims with the features set forth in the claim(s) from which they depend. Further, claims 81-83, 85-87 and 91-97 depend directly or indirectly from independent claim 70, as amended, and are, therefore, patentable for the same reasons. Reconsideration is respectfully requested.

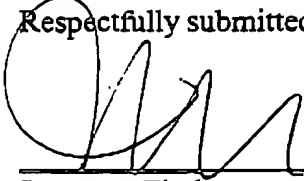
For the reasons set forth above, applicant respectfully submits that this application is in condition for allowance, which action is earnestly solicited.

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop AF, Commissioner for Patents, on: May 16, 2003:

James A. Finder  
Name of applicant, assignee or  
Registered Representative  
  
Signature  
May 16, 2003  
Date of Signature

JAF:JJF:ck

Respectfully submitted,

  
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